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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,823	11/04/2003	James O. Smith JR.	CDR-02-011	4446
25537	7590	06/02/2006	EXAMINER	
VERIZON PATENT MANAGEMENT GROUP 1515 N. COURTHOUSE ROAD SUITE 500 ARLINGTON, VA 22201-2909			WOO, STELLA L	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/699,823

Applicant(s)

SMITH ET AL.

Examiner

Stella L. Woo

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-11 and 13-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-11 and 13-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03/07/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7, 10-11, 13-17, 21-24, 27-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chaturvedi et al. (US 6,950,500, hereinafter "Chaturvedi") in view of Werndorfer et al. (US 2004/0024822 A1, hereinafter "Werndorfer").

Chaturvedi discloses a system and method for providing communication services (for the hearing/speech impair persons) as claimed, see all figures, Abstract, col. 2, line 49 to col. 9, line 29, for example. Chaturvedi teaches receiving a call request from a hearing-impaired party 12 for establishing a call with a non-impaired party 14 (e.g. col. 6, lines 62-66), identifying a communication assistant 24 (e.g. col. 7, lines 24-25), forwarding the call to the communication assistant (e.g. col. 7, lines 26-31), establishing a link between the hearing-impaired party and the communication assistant, establishing a link to the non-impaired party from the communication assistant (e.g. col. 7 lines 34-44), automatically receiving instant text messages from the hearing-impaired party and translating it to voice messages for transmitting to the non-

impaired party, and receiving voice messages from the non-impaired party and translating it to instant text messages for the hearing-impaired party (e.g. see col. 5 lines 18-22, col. 7 lines 45-59, col. 8, lines 29-32).

Chaturvedi differs from claims 1-5, 7, 10-11, 13-17, 21-24, 27-33 in that it does not disclose a selection area for allowing the hearing-impaired party to select an instant messaging program from a plurality of instant messaging programs. However, Werndorfer teaches the desirability of allowing a user to select from a plurality of instant messaging programs (via service bar 310 or connection manager window 500; paragraphs 50-51) such that it would have been obvious to an artisan of ordinary skill to incorporate such a selection area, as taught by Werndorfer, within the system of Chaturvedi in order to allow the hearing-impaired party to choose the instant messaging program with which to communicate.

As to claims 4, 17, see Chaturvedi, Fig. 1 which shows Internet 20.

As to claims 5, 11 see Chaturvedi, col. 6, lines 8-18 which discloses transmitting interface screens to the hearing-impaired user to input called telephone number, text of conversation with the communication assistant.

As to claim 24, see Chaturvedi col. 5 lines 18-22 which discloses the communication assistant is automated.

As to claims 7, 13, see Chaturvedi, col. 8, lines 32-34 which discloses the use of an e-mail address (e.g. john@aol) for identifying the instant message user.

As to claim 33, see Chaturvedi, col. 4, lines 64-66.

3. Claims 8, 9, 18-20, 25, 26 are rejected under 35 U.S.C.103(a) as being unpatentable over Chaturvedi in view of Werndorfer, and further in view of Hamilton (US PAT. 6,801 ,613 filed Aug. 31, 2000).

As to claims 8, 18, 25, Chaturvedi although discloses the connection to the non-impaired user can be a digital connection (e.g. col. 8, lines 1-3), Chaturvedi differs from the claimed invention in not explicitly disclosing that the connection to the non-impaired user is a voice over Internet Protocol (VoIP) link. However, it is old and well known in the art to use voice over Internet Protocol (VOIP) link in ACD systems as an alternative since a VoIP link provides cost and bandwidth advantages over a traditional PSTN link. VoIP also advantageously provides both data and voice over the same network, for example see Hamilton col. 20, lines 36-58. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chaturvedi's digital link between the communication assistant and the non-impaired user to comprise a voice over Internet Protocol (VoIP) link.

As to claims 9, 19, 26, the call between the hearing-impaired party, communication assistant and the hearing party is a conference call. Furthermore, Chaturvedi (col. 9, lines 1-20) discloses a conference bridge 48 for making conference calls.

As to claim 20, the examiner takes Official Notice that TDD relay services are known to comprise a voice carry over environment and speech-to-speech

environment when a communication assistant communicates with the hearing party, and when a speech impaired person is involved, the relay call is in a 'HCO' or 'hearing carry over' relay call environment.

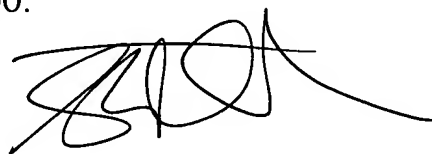
Response to Arguments

4. Applicant's arguments with respect to claims 1-5, 7-11, 13-33 have been considered but are moot in view of the new ground(s) of rejection.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Friday, 8:00 a.m. to 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Stella L. Woo', with a stylized, cursive script.

Stella L. Woo
Primary Examiner
Art Unit 2614